IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

CRL.A.No. 510 of 2002()

CC.113/2001 of JUDL. MAGISTRATE OF FIRST CLASS, MALAPPURAM

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APPELLANT: APPELLANT/COMPLAINANT:

A. ABDUL SALAM, S/O. ABU RAHMAN,
ARAKKALTHODI HOUSE, CHALIYAM P.O.,
MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: RESPONDENT/ACCUSED & STATE:

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1. NOORUL AMEER. A.K., S/O. MOIDU,
PANNIYAMKOTTU HOUSE,
KATTAYADU, VELLAMUNDA, WAYNAD DISTRICT.

2. THE STATE OF KERALA REPRESENTED BY
THE PUBILC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.510 of 2002(C)

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Dated this the 7th day of September, 2007

J U D G M E N T

The appellant is the complainant in C.C.No.113/2001 in the file of the Judicial Magistrate of First Class Court, Malappuram, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(i) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of the wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 08/10/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.A.No.510 of 2002(C)

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J U D G M E N T

7th September, 2007